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MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 21st February 1962

G.S.R. 252.—The following draft of the Iron Ore Mines Labour Welfare Cess Rules, 1962, which it is proposed to make in exercise of the powers conferred by section 8 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 24th March, 1962.

Any objection or suggestion which may be received from any person with respect to the said draft rules before the date so specified, will be considered by the Central Government.

Draft Rules

CHAPTER I—General

1. **Short title and commencement.**—(1) These rules may be called the Iron Ore Mines Labour Welfare Cess Rules, 1962.

(2) They shall come into force at once.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (1) “the Act” means the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961);
- (2) “Advisory Committee” means a Committee constituted under section 4 of the Act;
- (3) “Chairman” means the Chairman of an Advisory Committee;
- (4) “Commissioner” means an Iron Ore Mines Cess Commissioner referred to in rule 31;
- (5) “Form” means a form appended to these Rules;
- (6) “Fund” means the Iron Ore Mines Labour Welfare Fund;
- (7) “member” means a member of an Advisory Committee;
- (8) “month” means the period from the first day of any month reckoned according to the British Calendar to the last day of the same month;
- (9) “owner” in relation to an iron ore mine includes a lessee, or mortgagee in possession of such mine and any partner, managing director, agent, manager or any other person authorised to represent such mine in its transactions;
- (10) “treasury” means any Government treasury or sub-treasury.

CHAPTER II—Advisory Committees and Sub-Committees

3. Composition.—(1) There shall be one Advisory Committee for the States of Andhra Pradesh and Mysore, consisting of the following members, namely:—

- (i) An officer recommended by the Government of Mysore, who shall be the Chairman;
- (ii) An officer of the Central Government who shall be the Vice-Chairman;
- (iii) An officer recommended by the Government of Andhra Pradesh;
- (iv) A Member of the Legislative Assembly of the State of Mysore appointed by the Central Government in consultation with the Government of that State;
- (v) Three persons, including one from Andhra Pradesh, appointed by the Central Government in consultation with the associations, if any, representing the iron ore mine owners of the States of Mysore and Andhra Pradesh;
- (vi) Three persons, including one from Andhra Pradesh, appointed by the Central Government in consultation with the Unions, if any, representing the workers employed in the iron ore mining industry in the States of Mysore and Andhra Pradesh;
- (vii) A woman appointed by the Central Government, if no woman has been appointed under clause (vi).

(2) The Advisory Committee for the State of Bihar shall consist of the following members, namely:—

- (i) An officer recommended by the State Government who shall be the Chairman;
- (ii) An officer of the Central Government who shall be the Vice-Chairman;
- (iii) A Member of the Legislative Assembly of the State of Bihar appointed by the Central Government in consultation with the State Government;
- (iv) Two persons appointed by the Central Government in consultation with the associations, if any, representing the iron ore mine owners of the State;
- (v) Two persons appointed by the Central Government in consultation with the Unions, if any, representing the workers employed in the iron ore mining industry in the State;
- (vi) A woman appointed by the Central Government, if no woman has been appointed under clause (v).

(3) There shall be one Advisory Committee for the States of Madhya Pradesh and Maharashtra, consisting of the following members, namely:—

- (i) An officer recommended by the Government of Madhya Pradesh who shall be the Chairman;
- (ii) An officer of the Central Government who shall be the Vice-Chairman;
- (iii) An officer recommended by the Government of Maharashtra;
- (iv) A Member of the Legislative Assembly of the State of Madhya Pradesh appointed by the Central Government in consultation with the Government of that State;
- (v) Three persons, including one from Maharashtra, appointed by the Central Government in consultation with the associations, if any, representing the iron ore mine owners of the States of Madhya Pradesh and Maharashtra;
- (vi) Three persons, including one from Maharashtra, appointed by the Central Government in consultation with the Unions, if any, representing the workers employed in the iron ore mining industry in the States of Madhya Pradesh and Maharashtra;
- (vii) A woman appointed by the Central Government, if no woman has been appointed under clause (vi).

(4) The Advisory Committee for the State of Orissa shall consist of the following members, namely:—

- (i) An officer recommended by the State Government who shall be the Chairman;
- (ii) An officer of the Central Government who shall be the Vice-Chairman;

- (iii) A Member of the Legislative Assembly of the State of Orissa appointed by the Central Government in consultation with the State Government;
- (iv) Two persons appointed by the Central Government in consultation with the associations, if any, representing the iron ore mine owners of the State;
- (v) Two persons appointed by the Central Government in consultation with the Unions, if any, representing the workers employed in the iron ore mining industry in the State;
- (vi) A woman appointed by the Central Government, if no woman has been appointed under clause (v).

4. Term of Office.—(1) A member shall, unless he resigns his office or dies at an earlier date, hold office for a period of three years from the date of publication of the notification appointing him a member of the Advisory Committee and shall be eligible for reappointment:

Provided that an outgoing member may continue in office until the appointment of his successor is notified in the Gazette of India.

(2) A member appointed to fill a casual vacancy shall hold office for as long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

(3) If a member is unable to attend a meeting of the Advisory Committee, the Central Government may nominate, or the body which is represented by him may, by notice in writing signed on its behalf and by the said member, addressed to the Chairman of the Committee, depute a substitute in his place to attend that meeting. Such nominated or deputed member shall have all the rights of a member in respect of that meeting.

5. Resignation.—A non-official member may resign his office by letter addressed to the Chairman and the resignation shall take effect from the date of its acceptance or on the expiry of thirty days from the date of its receipt by the Chairman, whichever is earlier.

6. Absence from India.—(1) Before a non-official member leaves India he shall intimate to the Chairman the date of his departure from and the date of his expected return to India, and if he intends to be absent from India for a period longer than six months, he shall tender his resignation.

(2) If any such member leaves India without taking action as required by sub-rule (1), he shall be deemed to have resigned with effect from the date of his departure from India.

7. Vacation of office.—A non-official member shall be deemed to have vacated his office—

- (a) if he becomes insolvent; or
- (b) if he is convicted of any offence which in the opinion of the Central Government involves moral turpitude; or
- (c) if he is absent from three consecutive meetings of the Advisory Committee without leave of absence from the Chairman; or
- (d) if, in the opinion of the Central Government, it is undesirable that he should continue to be a member of the committee; or
- (e) if he ceases to represent the interest for representing which he was appointed.

8. Power to Co-opt.—(1) An Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-rule (1) shall exercise all the powers and functions of a member under these rules, but shall not be entitled to vote.

9. Power to invite persons to attend meetings.—An Advisory Committee or its Chairman may at any time and for such meeting or meetings as is considered necessary invite any person or persons to attend the meeting of the Committee. A person so invited shall exercise all the powers of a member under these rules, except that he shall not be entitled to vote on any question coming before the Committee.

10. Remuneration to members.—(1) Every non-official member, including a non-official member co-opted under rule 8 or invited to attend a meeting of the Advisory Committee under rule 9, shall be entitled to the following allowances for attending each meeting of the Advisory Committee or any of its Sub-Committees provided that the non-official member is not resident at the place where the meeting is held:—

(a) In respect of journey by air.—Actual fares paid.

(b) In respect of journey by rail.—Single first class fare plus an allowance for incidental expenses at a flat rate of four naye Paise per Kilometer where first class accommodation is available. Where first class accommodation is not available on the particular train or railway line by which he travels, the member will have the option to travel in air-conditioned accommodation, by paying from his own pocket, the difference between the fares for the air-conditioned and first class accommodation and where he does not exercise this option, he will be entitled to single fare for the highest class of accommodation, excluding air-conditioned accommodation, actually provided on the particular train or railway line plus an allowance for incidental expenses at such rate as may be fixed by the Central Government for their Class I officers from time to time.

(c) In respect of journey by road.—Where the journey is performed entirely by road, road allowance at the rates admissible to Central Government servants of the first grade, subject to the condition that the member concerned furnishes a certificate to the effect that the journey was undertaken by road to avoid loss of time which journey by rail would have entailed, provided further that if the distance travelled by road exceeds 120 kilometers in a single journey, road allowance will be payable only for the first 120 kilometers for each journey.

(2) **Daily Allowance.**—Rs. 10 (ten) for each day of any meeting or meetings subject to a maximum of Rs. 30 (thirty) for any one calendar month.

Non-official members, who are resident at the places where the meetings are held, shall be entitled only to the actual cost of conveyance hire subject to a maximum of Rs. 10 (ten) per day.

(3) The allowances referred to above shall be admissible on production of a certificate by the non-official members to the effect that they have not claimed or drawn travelling or daily allowance in respect of the journeys and halts from any other source.

Procedure relating to Meetings

11. Disposal of business.—(1) Every question which an Advisory Committee is required to take into consideration shall be considered either at a meeting or, if the Chairman so directs, by sending the necessary papers to every member for opinion:

Provided that the papers will not be sent to a member who is absent from India.

(2) When a question is referred to an Advisory Committee for opinion, any member may request that the question be considered at a meeting and thereupon the Chairman may, and if the request is made by three or more members shall, direct that it be so considered.

(3) If not less than three members of an Advisory Committee request the Chairman thereof to refer any matter to the Committee, the Chairman shall refer that matter to it accordingly.

12. Time and place of meetings.—An Advisory Committee shall meet at such places and times as may be appointed by the Chairman.

13. Notice of meetings and list of business.—(1) Notice shall be given to every member present in India of the time and place fixed for each ordinary meeting at least fifteen days before such meeting and every member shall be furnished with a list of business to be considered at the meeting:

Provided that when an emergency meeting is called by the Chairman such notice shall not be necessary.

(2) No business which is not on the list shall be considered at a meeting without the permission of the Chairman.

14. **Presiding at meetings.**—The Chairman shall preside at every meeting at which he is present and in his absence, the Vice-Chairman shall preside.

15. **Quorum.**—No business shall be transacted at a meeting of an Advisory Committee, whether an ordinary or emergency meeting, unless at least three members having the right to vote are present, of whom the Chairman or Vice-Chairman shall be one:

Provided that if at any meeting less than three such members attend, the Chairman may adjourn the meeting to a date not less than seven days later, informing the members present and sending notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is a quorum or not and it shall thereupon be lawful to dispose of the business at the adjourned meeting irrespective of the number of members attending it.

16. **Recommendation by majority.**—(1) Every question at a meeting of an Advisory Committee shall be decided by a majority of votes of the members present and voting on that question. But the minority shall in all cases have the right of requiring their dissent to be noted.

(2) Every question referred to the members for opinion shall, unless the Chairman in pursuance of sub-rule (2) of rule 11 reserves it for consideration at a meeting, be decided in accordance with the opinion of the majority of members recording opinion within the time allowed.

(3) In the case of an equal division of votes or opinions, the Chairman shall give an additional vote or opinion.

17. **Minutes of meetings.**—(1) The proceedings of each meeting of an Advisory Committee shall be circulated to all members present in India and thereafter recorded in a minute book, which shall be kept for permanent record.

(2) The record of the proceedings of each meeting shall be signed by the Chairman or Vice-Chairman, as the case may be.

18. **Headquarters of an Advisory Committee.**—The headquarters of an Advisory Committee shall be at such place or places as may be fixed by the Central Government.

19. **Finance Sub-Committee.**—(1) An Advisory Committee shall elect from among its members two persons of whom one shall be a person representing iron ore mine owners and the other representing iron ore mine workers, to constitute a Finance Sub-Committee of which the Vice-Chairman of that Advisory Committee shall be an additional member and president.

(2) An Advisory Committee may at any time co-opt a person or persons to the Finance Sub-Committee and any person so co-opted shall exercise all the powers and functions of a member of such Sub-Committee, but shall not be entitled to vote and shall not solely by reason of being so co-opted be a member of that Advisory Committee.

(3) Notice of every meeting of the Finance Sub-Committee shall be sent to the Chairman of the Advisory Committee who may attend such meeting if he so desires, and if he does so attend, he shall, notwithstanding anything in sub-rule (1), preside and shall be entitled to vote.

20. **Duties of the Finance Sub-Committee.**—The duties of the Finance Sub-Committee shall be to frame schemes of expenditure, to advise on the budget drawn up by the executive of the Advisory Committee and on the accounts of the Advisory Committee and also in regard to all expenditure and to consider all schemes referred to in proviso (ii) to rule 25.

21. **Other Sub-Committees.**—An Advisory Committee may, as and when considered necessary, constitute from among its members a Sub-Committee for considering and reporting on such matters as may be specifically assigned to it.

22. **Meetings of Sub-Committees.**—The meetings and proceedings of the Finance Sub-Committee and any other Sub-Committee which may be constituted under rule 21 shall be governed by the provisions herein contained for regulating

the meetings and proceedings of an Advisory Committee in so far as the same are applicable.

Powers of the Chairman

23. Executive.—(1) The Chairman, the Vice-Chairman and the Secretary of an Advisory Committee shall be the executive of such Committee and exercise the executive functions of the Advisory Committee on its behalf.

(2) The Secretary shall carry out routine duties and shall exercise such powers and discharge such duties of the Chairman as the Chairman may, with the approval of the Central Government, delegate to him.

24. Staff.—(1) Subject to the provision in the budget and the provisions of rule 25, the Chairman of each Advisory Committee may create and fill technical and other posts to assist him in carrying out his duties, may fix the scale of establishment and the salaries and allowances and determine the other conditions of service of officers and servants employed by him including the security to be taken from them:

Provided that (i) the salaries and allowances of the staff appointed by the Chairman under this rule shall be in accordance with the scales sanctioned by the Central Government for similar posts; (ii) the creation of a Class I post or a post with a maximum salary exceeding Rs. 900 per mensem shall require the previous sanction of the Central Government.

(2) In respect of the creation and filling up of Class II, gazetted and non-gazetted, Class III and Class IV posts, the Chairman shall have all the powers as are delegated to a Head of Department under the Delegation of Financial Powers Rules, 1958.

(3) The Chairman of an Advisory Committee may authorise the staff to give assistance to any member or Sub-Committee of that Committee or to any other authority exercising executive or advisory functions in connection with the Act.

25. Schemes of expenditure.—(1) The sanction of the Central Government to the budget shall, if no specific mention is made to the contrary, be deemed to include sanction to expenditure on all schemes included in the budget.

(2) The Chairman shall have power, subject to the provision in the sanctioned budget, to incur expenditure on administrative staff and welfare schemes:

Provided (i) that he shall have no powers to sanction any scheme, not included in the budget, if it involves expenditure exceeding Rs. 20,000 non-recurring and Rs. 2,500 recurring a year, and (ii) that any new scheme within these limits shall require the approval of the Finance Sub-Committee before any expenditure on it is incurred.

26. Contingent expenditure.—The Chairman may sanction, without reference to the Finance Sub-Committee and the Advisory Committee, expenditure on contingencies, supplies and services and purchases of articles required for the running of the organisation under him subject to financial provision in the sanctioned budget and to the condition that the expenditure on any single object shall not exceed Rs. 2,000 non-recurring and Rs. 400 recurring.

Powers of Advisory Committees

27. Budget.—(1) The annual budget as prepared by the executive in consultation with the Finance Sub-Committee shall be considered by the Advisory Committee concerned each year. Thereafter a copy of the budget as approved by the Advisory Committee shall be forwarded not later than the 1st day of October each year for sanction to the Central Government which may make such alterations therein as it considers necessary before according its sanction:

Provided that the Advisory Committee for any State(s) shall submit its budget to the Central Government through the State Government(s).

(2) The budget to be forwarded to the Central Government shall be accompanied by detailed self-contained notes explaining new schemes included therein.

28. Other matters to be considered by Advisory Committee:—(1) An Advisory Committee shall, besides carrying out its statutory duties, consider and advise upon any matter concerning these rules referred to it by the Central or State Government for advice.

(2) An Advisory Committee shall also consider the budget and any matter that may be laid before it by the Chairman.

29. Committee to be informed of expenditure.—A memorandum setting forth any grant made or expenditure incurred since the last meeting shall be laid at each meeting of an Advisory Committee.

CHAPTER III—Grants and Welfare Standards

30. Grants.—(1) In each case in which a grant is made by or with the approval of the Central Government to a State Government, a local authority, the owner of an iron ore mine, or any other person, in aid of any scheme approved by the Central Government for the purposes of the Act, the Central Government may impose conditions necessary for ensuring:—

- (a) that the work for which the grant is made is duly and promptly executed and the money is actually utilised for the purpose for which it is granted;
- (b) that the data on which the grant is calculated are in accordance with facts;
- (c) that any particulars which the Central Government may from time to time require for the proper discharge of its responsibilities are promptly supplied;
- (d) that all necessary facilities for inspection are accorded to persons duly authorised by the Central Government for the purpose of clause (a) or for checking the correctness of any particulars supplied under clause (c) or for the collection of any such particulars;
- (e) that proper accounts of the money granted are kept and are submitted for audit by such persons as the Central Government may authorise in this behalf; and
- (f) that an additional statement of accounts together with a certificate of a Registered Accountant or other recognised body of auditors to the effect that the accounts are correct, is furnished by the grantee.

(2) Before making a grant to a local authority, or the owner of an iron ore mine or any other person the Central Government shall require such local authority or owner or such person to execute a bond for the fulfilment of conditions imposed by the Central Government under sub-rule (1).

(3) It shall be the condition of every bond executed under sub-rule (2) that in the event of the local authority or owner of the mine or such person violating any condition imposed under sub-rule (1) such local authority or owner or person shall be liable to pay to the Central Government such sum by way of penalty as may be specified in the bond.

CHAPTER IV—Assessment and Recovery

31. Assessing and Collecting Authority.—Any officer (including the Chairman of an Advisory Committee) may be specified by the Central Government, by notification in the Official Gazette, to be an Iron Ore Mines Cess Commissioner who shall be responsible for the assessment and collection of the cess levied under the Act in such areas as may be specified in that notification.

32. Liability for payment of duty of excise.—The duty of excise as fixed under section 2 of the Act on iron ore produced shall be recovered from the owner of the mine concerned and he shall be liable to make payment thereof in the manner prescribed in these rules.

33. Maintenance of register of production and submission of returns.—(1) Every owner of an iron ore mine shall maintain in Form 'A' a register of production of iron ore and shall record therein datewise the production during the month. At the close of each month the entries made against each date in the register shall be totalled and the total production of the month shall be entered therein. The amount of duty of excise payable on the total production at the rate, as the Central Government may, from time to time, fix by notification in the Official Gazette, shall be worked out and recorded in the register itself.

Explanation.—In calculating the duty of excise payable on the production of iron ore, a fraction of less than half of a metric tonne in the total production of the month shall be ignored and a fraction of more than half of a metric tonne shall be reckoned as one metric tonne.

(2) Every owner of an iron ore mine shall submit to the Commissioner, in duplicate, a return in Form 'A' for each month in accordance with the entries made in the register maintained under sub-rule (1) duly signed by him or any other person authorised by him in this behalf.

(3) A return so submitted shall reach the Commissioner not later than the last day of the month following the month to which the return pertains.

(4) Where no iron ore is produced in any month, the owner of the mine shall submit to the Commissioner within the time specified in sub-rule (3) a nil return in duplicate for that month accompanied by a certificate duly signed by the owner or any other person authorised by him in this behalf to the effect that no iron ore was produced during that month.

(5) Notwithstanding anything contained in this rule, if the Commissioner is satisfied with respect to the owner of any mine that no iron ore was produced by him during the preceding twelve months, he may by a permit in writing allow him to submit, in place of a monthly return, a consolidated return in Form 'A' for such period not exceeding one year as may be specified in the permit. The consolidated return so submitted shall reach the Commissioner not later than the last day of the month immediately following the period specified in the permit.

34. Provisional assessment and payment of duty of excise.—The amount of duty of excise payable for any month and recorded in the register maintained under rule 33 shall be deemed to be a provisional assessment of the duty and shall be subject to a final assessment under rule 38.

35. Manner of payment of duty.—(1) The owner of a mine shall pay the duty of excise assessed under rule 34 into the nearest treasury not later than the last day of the month following the month for which the duty of excise is payable.

(2) The payment into the treasury shall be made by means of a challan, the remittance being shown as creditable to the Central Government under Revenue Major Head II—Union Excise Duties—Labour Welfare Cess on Iron Ore.

(3) The challan shall be filled in duplicate, a copy of which shall be retained by the treasury and the other copy shall be returned to the depositor who will transmit it to the Commissioner as proof of payment along with the monthly return prescribed in sub-rule (2) of rule 33 after entering the number, date and amount shown in the treasury receipt in the copy of the return.

36. Delay in submission of returns.—If the return of any month does not reach the Commissioner within the time prescribed by rule 33 the owner of the iron ore mine shall be punishable with fine which may extend to Rs. 500.

37. Late returns and revision of returns.—If the owner of any mine has not furnished the return within the prescribed date or having furnished it, discovers any omission or wrong statement therein, he may furnish the return or revised return, as the case may be, at any time before the order of final assessment is passed.

38. Final assessment of duty of excise.—(1) If the Commissioner is satisfied that the return submitted by any owner is correct and complete, he shall confirm the provisional assessment referred to in rule 34 as final and send an intimation to that effect to the owner of the mine concerned in Form 'B' within three months from the date of receipt of the return.

(2) (a) If the Commissioner is not so satisfied, he may either depute an officer for the purpose of verification of the correctness and completeness of the return with reference to the books and accounts and other relevant records of the mine at its premises, or issue a notice in Form 'C' on the owner of the mine concerned requiring him to attend either personally or through a duly authorised representative on the date and at the time and place to be specified in the notice.

The officer deputed by the Commissioner shall be afforded all necessary facilities at the premises of the mine for the purpose of verification as aforesaid.

(b) After verification of the return or after hearing such evidence as the owner may produce in compliance with the notice issued under clause (a) and

such evidence as the Commissioner may require on specified points, the Commissioner shall as soon as possible assess the amount of duty due from the owner and such assessment shall be final.

(c) If the Commissioner is satisfied that the return submitted by the owner is correct and complete, he shall confirm the provisional assessment as final. If, on the other hand, the Commissioner finds that a further sum is due from the owner, he shall issue on the owner a Demand Notice in Form 'G' requiring the payment of the balance due within the time specified therein.

(d) If any owner, having furnished a return for a month, fails to comply with any of the terms of the notice that may be issued on him under clause (a), the Commissioner shall assess the amount of the duty due from him which, in his judgment, is just and proper and such assessment shall be final.

(3) If any owner does not furnish a return in Form 'A' for any month by the prescribed date in the manner laid down in rules 33 and 35, the Commissioner shall, after giving the owner a reasonable opportunity of being heard by the issue of a notice in Form 'D' assess the amount of duty due from him which in his opinion is just and proper. The owner shall further be punishable with fine which may extend to Rs. 500 as provided in rule 38.

(4) If upon information which has come into his possession the Commissioner is satisfied that an owner has actually produced iron ore during a month and has thereby become liable to pay duty of excise under section 2 of the Act, but has failed to furnish a return in respect of that month and also to pay the amount of provisional assessment on that basis by the last day of the month following the month in which he has produced iron ore, the Commissioner shall after giving the owner a reasonable opportunity of explaining the reason for the failure, by issue of a notice in Form 'E' assess the amount of duty of excise due from him which, in his opinion, is just and proper in respect of that month of production.

(5) The Commissioner shall fix a date ordinarily not earlier than 30 days from the date of issue of a notice in Form 'C' or 'E' for producing such accounts and documents as he may require and for considering any objection which the owner may wish to offer.

(6) After considering any objection made by the owner and any evidence produced in support thereof, the Commissioner shall assess the amount of the duty of excise to be paid by the owner and shall record his findings and pass his final assessment order in Form 'F'.

(7) The amount of duty thus assessed, the date by which the amount so assessed is to be deposited (which shall not ordinarily be earlier than 30 days from the date of issue of Demand Notice) and any other particulars connected therewith shall be specified in the Demand Notice in Form 'G'.

(8) The mode of payment into the treasury of the amount specified in Demand Notice in Form 'G' shall be the same as laid down in rule 35 provided that the copy of the treasury challan intended for transmission to the Commissioner shall be forwarded to him with a covering letter quoting reference to the Demand Notice.

39. Recovery of duty of excise on iron ore which has escaped assessment.—if—

- (a) the Commissioner has reason to believe that by reason of the concealment by the owner of any particulars of production of iron ore from any mine such production has escaped the levy of duty of excise; or
- (b) notwithstanding any such concealment of particulars as in mentioned in clause (a) on the part of the owner, the Commissioner has in consequence of information in his possession, reason to believe that any production of iron ore from a mine has escaped levy of duty of excise;

the Commissioner may in cases falling under clause (a) at any time within four years and in cases falling under clause (b) at any time within two years of the end of the month the return in respect of which should have included such production of iron ore which has escaped assessment, assess the duty of excise payable thereon and all the provisions of these rules shall apply to the duty of excise so assessed as if assessment were included in the final assessment order as provided under rule 38:

Provided that the Commissioner, before exercising the powers conferred upon him under this rule, shall give the owner a reasonable opportunity of being heard.

40. Recovery of unpaid duty of excise and penalty.—(1) Any amount of duty of excise, which remains unpaid after the date specified in the Demand Notice and any amount of penalty which is imposed on an owner for violation of any of the rules framed under the Act shall be recovered as an arrear of land revenue, and shall be credited to the Central Government as provided in rule 35.

(2) The Commissioner shall (in order to recover the unpaid amount of cess and also the penalty, if not paid) apply to the Collector of the district in which the mine is situated for the recovery of the amount due from the owner of a mine.

(3) The Collector shall send a report to the Commissioner by the 10th day of each month showing the amount recovered by him as land revenue during the preceding month.

41. Review.—(1) Within 30 days from the date of issue of a Demand Notice in Form 'G' any owner may submit a petition to the Commissioner asking for a review of such assessment, provided that no such petition shall be entertained unless the Commissioner is satisfied that the amount assessed has been paid by the owner into a treasury as required under rule 38.

(2) Every petition for review shall be accompanied by a memorandum setting forth clearly the principal grounds of objections against the assessment made together with a copy of the treasury challan showing that the amount assessed has been paid to Government and a certified copy of the assessment order.

(3) The Commissioner shall, after verifying the fact of assessment from the records of his office, satisfy himself as to the correctness of the grounds in the petition and if he finds that a *prima facie* error of judgment has been made shall issue an order either reducing or annulling the assessment.

(4) If, on the other hand, the records, in his office reveal that assessment has been made correctly, the Commissioner shall, after giving the petitioner an opportunity of being heard, issue an order confirming the assessment. The order of the Commissioner shall be final.

(5) The Commissioner shall record his decision in writing.

(6) The petitioner shall be entitled to a copy of the Commissioner's orders on the petition for review free of cost and it shall be furnished to him as soon as possible after the orders are passed.

(7) So much of the duty originally assessed upon and paid by the owner as is found not to be due from him as a result of review under sub-rule (1) shall be refunded to the owner concerned or adjusted in the account of the owner concerned, as the Commissioner may deem fit, on the basis of the orders on the petition for review.

(8) Any refund under sub-rule (7) shall be made in cash by drawing the amount from the treasury on an ordinary contingent bill on which shall be specified the review case, number, date of review order and the number, date and amount of treasury challan concerned.

42. Records of collection.—(1) For the proper accounting of the duty collected under these rules, the Commissioner shall maintain records to show the following particulars along with any other particulars required:—

- (a) Assessment and collection of duty.
- (b) Particulars of petitions and orders thereon.
- (c) Refunds.

(2) All the papers relating to the assessment of duty in respect of a mine shall be kept together and shall form an assessment case record.

CHAPTER V—Miscellaneous

43. Maintenance and audit of the accounts.—The amount of the cess collected under the Act shall be credited to Revenue Major Head II—Union Excise Duties—Labour Welfare Cess on Iron Ore.

(2) The proceeds of the cess, after due appropriation made by Parliament by law, shall be transferred to "Section S-Deposits and Advances—Part II—Deposits not bearing Interest B— Reserve Fund—Iron Ore Mines Labour Welfare Fund" in the Public Account under the Central Government for expenditure on measures for the welfare of labour employed in the iron ore mining industry.

(3) The miscellaneous receipts accruing from the investment of the Fund on measures for the welfare of labour employed in the iron ore mining industry shall also be credited to the Reserve Fund referred to in sub-rule (2).

(4) The account shall be maintained and audited by the Comptroller and Auditor General of India in terms of Article 150 of the Constitution.

44. Allocation.—The proceeds of the cess transferred to the Iron Ore Mines Labour Welfare Fund every year and such other moneys as may be received in the Fund shall be distributed by the Central Government for expenditure in iron ore producing areas in proportion to their production or in such manner as may be decided in consultation with the Government of those areas.

(2) The cost of the collection of the cess shall be met out of the Fund in the same manner as the cost of the Office of a Chairman.

45. Statistics and other information.—(1) The owner of an iron ore mine shall furnish such statistics or other information as the Central Government or any other person authorised by the Central Government in writing in this behalf may by written order require for the purposes of the Act in such form or manner and within such time as may be specified in the order.

(2) Any owner of an iron ore mine who, without reasonable excuse, fails to furnish the statistics or other information required under sub-rule (1) or furnishes statistics or other information containing a statement, entry or detail which is not to the best of his knowledge or belief, true, shall be punishable with fine which may extend to Rs. 500/-.

46. Conditions of service of persons appointed under section 5 of the Act.—Until other provision is made in this behalf, persons appointed under section 5 of the Act shall be governed by such rules relating to the terms and conditions of service of Government Servants generally, as may be made applicable with modifications, if any, to such persons by the Central Government.

FORM A

(See rule 133)

*Return of Actual production of Iron Ore and Duty assessed and paid
on a provisional basis*

Name of owner of mine

Month of Production.....year 19

Full Address

| Sl. No. | Opening Stock on the 1st Day of the month to which the return pertains (in metric tonne) | Output of Iron Ore dur- ing the month (in metric tonne) | Total (in metric tonne) | Details of despatches during the month (in metric tonne) | | Closing stock on the last day of the month. (in metric tonne) | Calculation of duty | Particulars of deposits into treasury |
|------------|--|---|----------------------------|---|-------------------------|--|---------------------|--|
| | | | | Export | Internal consumption | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Iron Ore Mines La- Paid into ———
bour Welfare Cess (Treasury name)
on tonnes on.....(date
——(@ Re.—— with month and year)
A spare copy of
Treasury Challan
No.en-
closed herewith.

Certified that the above statements are true to the best of my knowledge and belief and are based on the records maintained in my mine.

Signature
Owner/Partner/Director/Agent/Manager.

No.....date and Place.

FORM B

[See rule 38]

CONFIRMATION OF PROVISIONAL ASSESSMENT

To

..... Mine

.....

..... Address

With reference to the Return in Form A of the Iron Ore Mines Labour Welfare Cess Rules, 1962, submitted by you in respect of the month of 19, you are hereby informed that the provisional assessment of cess on tonne amounting to Rs. (Rupees) only paid by you as per Treasury Challan No. dt. has been confirmed.

Commissioner.

Seal of the Commissioner.

No.

Date

Place

FORM C

[See rule 38]

NOTICE

To

..... Mine

.....

..... Address

Whereas I desire to satisfy myself that the return in Form A filed by you for the month of 19, is correct and complete;

You are hereby directed to appear in person or through a duly authorised representative before (person) and to produce on (date) at (time) or cause to be produced at that time the accounts and documents specified below, together with any objection which you may wish to prefer and to produce any evidence you may wish to do in support thereof.

In the event of your failure to comply with this notice, I shall proceed to assess the duty to the best of my judgment under rule 38 of the Iron Ore Mines Labour Welfare Cess Rules, 1962, without further reference to you.

Commissioner.

Seal of the Commissioner.

No.

Date

Place

Particulars of Accounts and Documents required.

1. Books of accounts for the month(s) in question in general and records of production together with records in support of the figures entered therein.

2. Any other subsidiary record showing production of iron ore during the month(s).

FORM D
[See rule 38]

NOTICE

To

..... Mine

..... Address

Whereas you have not furnished a return in Form A in respect of the month(s) of 19 .., by the prescribed date(s);

You are, therefore, required to submit a return within one calendar month from the date of issue of this notice for the month(s) of 19 .., in Form A of the Iron Ore Mines Labour Welfare Cess Rules, 1962.

In the event of your failure to comply with this notice I shall proceed to assess the duty to the best of my judgment under rule 38 of the Iron Ore Mines Labour Welfare Cess Rules, 1962 and you will also further be liable to prosecution under rule 36.

Commissioner.

Seal of the Commissioner

No.

Date

Place

FORM E
[See rule 38]

NOTICE

To

..... Mine

..... Address

Whereas it appears that you have produced iron ore during the month(s) of 19 .., but have failed to furnish return in Form A under Rule 33 of the Iron Ore Mines Labour Welfare Cess Rule, 1962;

You are, therefore, directed to appear in person or through a duly authorised representative before (person) at (place) on (date) at (time) and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer and produce any evidence which you may wish to do in support thereof, and you will further be liable to prosecution under rule 36.

In the event of your failure to comply with this notice I shall proceed to assess the cess to the best of my judgment under rule 38 of the Iron Ore Mines Labour Welfare Cess Rules, 1962.

Commissioner.

Seal of the Commissioner.

No.

Date

Place

Particulars of Accounts and Documents required.

1. Books of accounts for the month(s) in question in general and records of production together with records in support of the figures entered therein.

2. Any other subsidiary record showing production of iron ore during the month(s).

FORM F

[See rule 38]

ORDER OF ASSESSMENT

State in which the mine is situated.

Assessment Case No.

of

19 .

1. Year of assessment month for which assessment is made.
2. Name of mine assessed.
3. Location of mine.
4. Full postal address.
5. Account books, etc., produced, if any
6. Rule and sub-rule under which assessment is made.
7. Total tonnes of iron ore produced as per return furnished by the mine tonnes.
8. Total tonnes of iron ore produced as determined on the basis of the books of account produced or to the best judgment of the Commissioner.
9. Amount of cess assessed at the rate of per tonne of iron ore produced on the basis of item 8 above Rs.

Assessment order in brief.

Commissioner.

Seal of the Commissioner.

No.

Date

Place

Certified copies of the assessment order may be obtained from the Commissioner's Office on payment to him of a fee of Rs. 2/- for each copy. The amount paid on this amount shall be credited by the Commissioner to the Head 'S-Deposits and Advances—Part II—Deposits not bearing Interest—B—Reserve Fund—Iron Ore Mines Labour Welfare Fund (ii) Miscellaneous Receipts'.

FORM G

[See rule 38]

DEMAND NOTICE

To

..... (Owner/Partner/Director/Manager/Agent) of (Mine)
 at (Location of mine) P. O. District
 in the State of

In continuation of the notice in Form C, D, E, issued to you per registered post on the day of 19 .., you are hereby informed that your total production of iron ore during the month(s) of 19 has been finally determined at tonne and accordingly cess amounting to Rs. (Rupees) only is payable by you.

2. You are hereby directed to pay the sum of Rs. (Rupees) only as detailed below into the nearest Government Treasury on or before the day of 19 .. and to produce before the Commissioner a copy of the relevant Treasury Challan as proof of payment not later than the day of 19 .. falling which the said sum of Rs. (Rupees) only will be recoverable from you as an arrear of land revenue.

Details of assessed amount.....

1. Amount of cess payable Rs.

2. Deduct amount already paid by you as per Treasury Challan No.
dated

3. Net amount payable Rs.

Commissioner.

Seal of the Commissioner.

No.

Date

Place

Note.—Strike out the number of form and words and phrases not applicable.

[No. 5(1)/62-MIII.]

B. K. BHATTACHARYA, Dy. Secy.